
EXHIBIT A

Oakland Police Department



Use of Force Policy Handbook

Effective Date:
17 Feb 06

OAKLAND POLICE DEPARTMENT
Use of Force Policy Manual
Manual Summary of Contents

Effective Date
15 Feb 06

Handbook
Summary of Contents

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Revision Record

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REVISION RECORD

The page numbering format has been revised to facilitate updating and tracking revisions to publications contained in this Handbook.

When a minor revision is made to a publication, the 'Revision Number' will be indicated on the Special Order and shall be accompanied by the updated page(s). The 'Revision Date' and 'Reference Page Number(s)' shall be recorded in the appropriate box on the same line as the indicated 'Revision Number'.

When it is necessary to make major policy or content revision, the publication shall be rewritten in its entirety. The 'Revision Number' and 'Revision Date' shall be indicated on the new order. The 'Revision Date' shall be recorded in the appropriate box on the same line as the indicated 'Revision Number'. The term 'NEW' shall be recorded in the 'Reference Page Number(s)' box to indicate the promulgation of a new order.

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K-3

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USE OF FORCE

The purpose of this order is to set forth Departmental policy and procedures for the use of force by Department personnel.

The Oakland Police Department values the protection and sanctity of human life. This policy prohibits personnel from using unreasonable force. It also prohibits personnel from using force as a means of interrogation or punishment. This policy requires personnel to intervene in situations where they reasonably believe, based on the totality of the circumstances, that other personnel are subjecting a person to unreasonable force. This policy is more restrictive than state or federal laws that govern the use of force, and members are required to accomplish the police mission by adhering to this policy.

Personnel who use unreasonable force are subject to discipline for violating Departmental policy. Federal and state laws also provide for civil liability and possible criminal sanctions against personnel who use unreasonable force.

I. DEFINITIONS AND TERMINOLOGY (Alphabetical Order)

A. Employee

The term "employee" includes all non-sworn Oakland Police personnel.

NOTE: Although the use of force is primarily intended for members, various employee job classifications include Departmental training in specific force options normally reserved for members. Employees are held to the same standard as members for the application of these authorized force options. All employees shall maintain their right to self-defense by any objectively reasonable means.

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B. Firearm Discharge

The act of discharging a firearm loaded with lethal ammunition. Firearm discharges are classified as follows:

1. **Lethal** – An intentional firearm discharge at a person, regardless of injury.
2. **Discharge at an Animal** – A firearm discharge for the purpose of dispatching an injured or vicious animal.
3. **Unintentional** – A firearm discharge that occurred as a result of an unintentional trigger pull or other unexpected external cause.
4. **Other Firearm Discharges** – No use of force investigation is required for any of the following:
 - a. An intentional discharge while at a range facility;
 - b. A discharge while engaged in a lawful recreational activity, such as hunting or target practice;
 - c. A discharge by Criminalistics Division personnel for the purpose of scientific examination; and
 - d. A discharge at an object (e.g., street light, alarm box, door lock or vehicle tire) to accomplish a tactical police purpose that does not result in injury.

C. Hand Held Impact Weapons

Any object that is used, or designed to be used, to apply force to an individual by coming into physical contact with that individual. Hand Held Impact Weapons include the long baton, short baton, crowd control baton, and expandable baton (Asp®), and may include impromptu weapons.

D. Imminent Threat

"Imminent Threat" refers to an impending threat or resistance that a member or employee reasonably believes will occur, based on the totality of circumstances. Imminent is not limited to "immediate" or "instantaneous." A person may pose an imminent threat even if that person is not pointing a weapon at the member or employee. A person is an imminent threat if the person is reasonably

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perceived by a member or employee to have the present intent, means, opportunity, and ability to complete the threat, regardless of whether the threatened action has been initiated.

1. Intent: The subject's apparent desire, which can be indicated by words, body language, or actions.
2. Means: The instrument, mechanical or physical, that may be used to cause injury.
3. Opportunity: The time and/or place which allows the subject to use the means to cause injury.
4. Ability: The subject has the capability to carry out the action or threat.

E. Involved Personnel

Members or employees who use force, approve, or direct the use of force. This includes a supervisor or commander who orders the application of force.

F. Less-Lethal Force

Any use of force, other than lethal force, which by design and application is less likely to cause serious bodily injury or death. However, the possibility of an unintended lethal outcome, although very rare, exists. Less-lethal force includes the application of chemical munitions.

G. Lethal Ammunition

Ammunition that is, by design and application, intended to cause serious bodily injury or death.

H. Lethal Force

That force which creates a substantial risk of causing death or serious bodily injury, as such terms are defined by prevailing law.

I. Medical Treatment

1. First Aid

First aid includes, but is not limited to, the mere cleaning of a scrape or cut, applying a bandage, flushing of the eyes with water, or providing an

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ice pack. First aid may be administered by OPD personnel or a medical professional.

2. Emergency Medical Treatment

Any treatment beyond first-aid, including Cardio-Pulmonary Resuscitation (CPR) and rescue breathing, administered by OPD personnel or a medical professional including the following: physicians, physician assistants, nurses (RN and LVN) paramedics, emergency medical technicians (EMT), Fire Department Personnel.

3. Hospital Admittance

Admittance to a hospital for the treatment of injuries as a result of any use of force.

J. Member

For the purpose of this order, the term "member" includes Oakland Police Officers, Oakland Police Rangers, and Oakland Police Reserve Officers, regardless of rank.

K. Reasonable Force

Force that is objectively reasonable based upon the totality of the circumstances.

The standard used to determine objectively reasonable force is articulated in the United States Supreme Court decision, Graham v. Conner, 490 U.S. 386 (1989). The Graham decision holds that the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, without regard to the officer's underlying intent or motivation. The determination of reasonableness must be based on the totality of circumstances and must include a consideration that police officers are often forced to make split second decisions in circumstances which are tense, uncertain, and rapidly evolving. The determination of reasonableness is not based on the 20/20 vision of hindsight.

Personnel are not required to use the least assertive option and shall consider the following criteria when determining which level of force to use:

1. The objectively reasonable perception of a threat to the member, employee or third party;

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2. Imminence of the threat to the member, employee, or third party;
3. Physical differences (e.g., age, size, relative strength, skill level, injuries, exhaustion, number of members/employees versus subjects);
4. Influence of drugs or alcohol on the subject;
5. Proximity of weapons to the subject;
6. Availability of other options;
7. Seriousness of the suspected offense(s);
8. Training and experience level of the member or employee;
9. Potential for injury to member, employee, third party, or the subject;
10. Risk of escape; and
11. Other exigent circumstances.

L. Serious Bodily Injury¹

A serious impairment of physical condition, such as:

1. Loss of consciousness;
2. Concussion;
3. Bone fracture;
4. Protracted loss, impairment, serious disfigurement, or function of any bodily member or organ (includes paralysis); or
5. Wound requiring extensive suturing.

¹ As defined by prevailing law.

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M. Specialty Impact Munitions

Intermediate or long range less-lethal force options which may be hand-delivered or propelled from specialized launching devices or firearms, which by design and application are intended to immobilize, incapacitate, or stun a human being without causing serious bodily injury or death.

N. Subject

The singular term "subject" is used, but it is understood that "subject" can refer to a single person, multiple individuals, or a crowd.

O. Use of Force

Any physical or mechanical intervention used by a member or employee to defend, control, overpower, restrain, or overcome the resistance of an individual.

P. Verbal Persuasion

A technique to control a subject's action or behavior with words.

Q. Violent Felony

Any felony which involves:

1. The use of lethal force;
2. Force which creates a substantial risk of death or serious bodily injury; or
3. The threatened use of lethal force coupled with the apparent ability to complete the threat.

R. Weaponless Defense Techniques:

A series of techniques an officer performs using body movement and strength to defend against or control a resisting subject.

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II. USE OF FORCE POLICY

Departmental policy requires personnel to use only that level of force that is objectively reasonable based on the totality of circumstances confronting them.

A. Lethal Force

1. Lethal Force is authorized to defend the member or a third person from what the member reasonably believes is an imminent threat of lethal force or force likely to cause serious bodily injury; **OR**
2. To apprehend or arrest a person whom the member reasonably believes has committed or is committing a violent felony which involves the use, or threatened use coupled with the apparent ability to carry out the use of lethal force or force likely to cause serious bodily injury; **AND**
 - a. The person indicates by his or her conduct or by any other means that he or she presents an imminent danger of death or serious bodily injury to the member or a third person if not immediately apprehended, **AND**
 - b. All other reasonably available means of apprehending the person have failed, are inadequate, or are immediately unavailable.
3. In life-threatening situation, the use of an impromptu weapon or any weapon of necessity is justified as lethal force when reasonable alternatives have been exhausted, are unavailable, or are impractical.
4. Whenever possible, a verbal warning to submit to police authority shall be given prior to using lethal force and only if to do so would not increase the danger to the member or others.
5. The use of lethal force against the occupant of a motor vehicle is only authorized when it is reasonably necessary to :
 - a. Defend the member or another person against the vehicle occupant's imminent threat of death or serious bodily injury, by means other than the vehicle; **OR**

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- b. Defend the member or another person against the vehicle operator's use of the vehicle to cause death or serious bodily injury and the member or other person has no reasonable avenue of protection or escape.
 - 1) Members shall be prohibited from positioning themselves in a location vulnerable to vehicular attack;
 - 2) Whenever possible, members shall move out of the way of the vehicle, instead of discharging his or her firearm at the operator;
 - 3) Members shall not discharge a firearm at the operator of the vehicle when the vehicle has passed and is attempting to escape.
 - c. Members must consider whether the threat to the member or other persons is increased by incapacitating the operator with lethal force, considering that if the operator is incapacitated, the vehicle may still be a threat to anyone in the vehicle's path. This threat must be weighed against the threat posed by the suspect continuing in control of the vehicle.
6. Firearms shall not be discharged under the following circumstances:
 - a. As a warning;
 - b. At a moving vehicle except as defined in Part II, A, 5, of this order; or
 - c. From a moving vehicle.
 7. Lethal force is prohibited when its sole purpose is to prevent a subject from escaping and the subject does not present an imminent danger of death or serious bodily injury.

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B. Less-Lethal Force

Personnel may use less-lethal force when that force is objectively reasonable to:

1. Make a lawful detention or an arrest;
2. Overcome the use or threatened use of physical force directed against any person; or
3. Prevent a subject from escaping custody.

NOTE: The Department places additional restrictions on the use of less-lethal force during incidents involving Crowd Control and Crowd Management as outlined in TB III-G, OPD CROWD CONTROL AND CROWD MANAGEMENT POLICY.

C. Firearms, Safety Equipment, and Control Devices

While on duty, personnel shall only carry firearms, safety equipment and control devices that have been specifically approved in Departmental General Order C-4, SAFETY EQUIPMENT or by Special Order, and have successfully completed training.

D. Display of Weapons

Members and employees shall not display any weapon in a threatening or intimidating fashion unless it is objectively reasonably to accomplish a lawful police objective.

E. Providing First Aid or Medical Treatment

Members shall ensure that when necessary, or upon complaint of injury, medical first aid is provided and/or professional medical assistance is summoned as soon as practical for any subject upon whom force has been used.

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III. FORCE OPTIONS

Personnel shall use a force option that is objectively reasonable to overcome the resistance of the subject, to meet the threat posed by the subject, and to gain control of the situation. Consistent with the law, this policy requires that the force used is reasonably objective, and not that the lowest level of force be used. What is objectively reasonable under the totality of the circumstances of each case determines the appropriate force option.

Personnel shall de-escalate force to a lesser level when the officer reasonably believes the lesser level of force becomes appropriate.

A. Lethal Force

1. Discharge of a firearm with lethal ammunition.
2. Any force which creates a substantial risk of causing death or serious bodily injury, to include:
 - a. Carotid restraint; and
 - b. Intentional impact weapon strike to the head.

B. Less-Lethal Force

Additional information on the specific use and application for less-lethal force options are found in individual Departmental publications specified in Part VI, REFERENCES.

1. Police Patrol Canine;
2. Impact Weapons (other than intentional strikes to the head);
 - a. Long baton;
 - b. Short baton;
 - c. Crowd control baton;
 - d. Asp®;
 - e. Specialty impact munitions (Flexible baton); and
 - f. Any other object used as an impact weapon;
3. Taser®;

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4. Weaponless Defense Techniques:

a. Personal weapons:

- 1) Hand/palm/elbow strikes; and
- 2) Kicks;

b. Take-downs:

- 1) Takedown from the rear;
- 2) Leg sweep; and
- 3) Arm-bar takedown.

c. Control holds:

- 1) Escort (elbow);
- 2) Bent wrist;
- 3) Twist lock; and
- 4) Arm-bar hammerlock;

5. Oleoresin Capsicum or other chemical agent;
6. Intentionally pointing a firearm at a person;
7. Handcuffing;
8. Verbal persuasion; and
9. Officer presence.

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IV. ADMINISTRATIVE LEAVE

Any personnel involved in a lethal use of force shall be placed on paid administrative leave for a period of not less than three (3) days, unless otherwise directed by the Chief of Police. The Incident Commander may recommend other personnel to be placed on paid administrative leave to the Chief of Police. The assignment to administrative leave shall not be interpreted to imply or indicate the member acted improperly. While on administrative leave, members shall remain available at all times for official Departmental business, including interviews and statements regarding the incident.

V. COUNSELING SERVICES

In all incidents where a person is seriously injured or killed as a result of a member's use of force; the involved member shall attend employee assistance and counseling services provided by the City prior to his/her return to normal duties. Command officers shall ensure involved members are advised of the services available and shall direct their attendance. As needed, members and employees who witness such incidents may also be referred to counseling services.

VI. REFERENCES

- A. DGO K-9, DEPARTMENT CANINE UNIT;
- B. DGO C-4, SAFETY EQUIPMENT;
- C. TB III-I.1, WEAPONLESS DEFENSE;
- D. TB V-G, DEPARTMENT CANINE UNIT;
- E. TB III-H.2, USE OF HAND-HELD IMPACT WEAPONS;
- F. TB III-H.1, USE OF THE TASER®;
- G. TB V-F.2, USE OF OLEORESIN CAPSICUM; and
- H. TB X-X, SPECIALTY IMPACT MUNITIONS.

By Order of

Wayne G. Tucker
Wayne G. Tucker
Chief of Police

Date Signed: 16 Feb. 06

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DGO K-4
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REPORTING AND INVESTIGATING THE USE OF FORCE

The purpose of this order is to set forth Departmental policy and procedures for reporting, investigating, and the management of use of force incidents involving Departmental personnel and the review and distribution of the Use of Force Report.

I. POLICY

- A. Commanders, investigators and supervisors shall complete a Department approved training course for the Departmental use of force policy (DGO K-3) and reporting and investigating use of force incidents (DGO K-4) prior to conducting any use of force investigation. The training course shall include provisions of the Public Safety Officers' Procedural Bill of Rights (POBR), Departmental General Order (DGO) M-3, RECEIVING AND PROCESSING COMPLAINTS AGAINST DEPARTMENT PERSONNEL OR PROCEDURES and DGO M-4.1, CRIMINAL INVESTIGATIONS INVOLVING ACTIVE LAW ENFORCEMENT, OR A MEMBER OR EMPLOYEE OF THE DEPARTMENT.
- B. Personnel shall notify his/her supervisor immediately or as soon as practical, of any use of force, allegation of a use of force, or an allegation of unreasonable force.
 - 1. When notified of a Level 1, 2, or 3 use of force, the supervisor or commander shall respond to the scene and conduct the appropriate force investigation.
 - 2. When notified of an allegation of a use of force and the member/employee denies using force, the supervisor or commander shall respond to the scene and conduct a preliminary investigation into the use of force allegation.

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- a. If the preliminary investigation reveals corroborating evidence that the use of force occurred, the supervisor or commander shall conduct a Level 2 force investigation and initiate an internal investigation in accordance with the provisions of DGO M-3.
- b. If the preliminary investigation reveals no corroborating evidence that the use of force occurred, the supervisor or commander shall prepare a Risk Management Memorandum in accordance with the provisions of Part IX of this order.
- C. If any force investigation indicates misconduct, the supervisor or commander shall conduct, at a minimum, a Level 2 force investigation and additionally initiate an internal investigation in accordance with the provisions of DGO M-3. Document the date the IAD was notified in the Use of Force Report (TF-967).
- D. If any force investigation indicates criminal misconduct, the supervisor or commander shall conduct, at a minimum, a Level 2 force investigation and additionally make the proper notifications in accordance with the provisions of DGO M-4.1. Document the date the CID was notified in the Use of Force Report.
- E. Personnel shall request medical service without delay when a subject has visible injuries or the subject has a complaint of injury.
- F. Supervisors and commanders shall be held accountable for the timely, accurate, and thorough documentation of all use of force incidents.
- G. Supervisors and commanders have the discretion to elevate any level of force investigation in order to conduct a more thorough investigation of the incident. The Watch Commander shall approve elevating a force investigation to a Level 1.
- H. A supervisor or commander involved in a use of force shall not investigate the incident or review for approval the Use of Force Report.
- I. Supervisors and commanders shall identify Department or individual training and tactical issues and make recommendations for corrective action, when appropriate and document the recommendations in the Use of Force Report.
- J. Supervisors and commanders shall ensure the provisions of POBR are properly applied.

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- K. Personnel may delay compliance with the provisions of this order if the scene is unstable, there is community unrest, or other conditions make immediate compliance impracticable. The protection of Department personnel and the public, and the maintenance of public safety shall remain the priority. The approving supervisor or commander shall ensure the reason for the delay is documented in the Use of Force Report. Such compliance delays are subject to review by the appropriate review board.

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Force options enumerated in DGO K-3 are grouped in the following force levels for reporting and investigating purposes only.

A. Level 1

1. Any use of force resulting in death;
2. Any lethal firearm discharge regardless of injury;
3. Any force which creates a substantial risk of causing death;
4. Serious bodily injuries, to include:
 - a. Any use of force resulting in the loss of consciousness; and
 - b. Protracted loss, impairment, serious disfigurement, or function of any bodily member or organ (includes paralysis).
5. Any unintentional firearms discharge:
 - a. If a person is injured as a result of the discharge;
 - b. Except at a range when no injury occurs; or
 - c. Any other firearms incident, at the direction of the BOI Deputy Chief.
6. Any intentional impact weapon strike to the head.
7. Any use of force investigation that is elevated to a Level 1 approved by a Watch Commander.

B. Level 2

1. Any strike to the head (except for an intentional strike with an impact weapon);
2. Carotid restraint is applied that does not result in the loss of consciousness;
3. The use of a Taser® involving any of the following circumstances:
 - a. When one or more probes impacts or penetrates the subject's clothing or skin; or

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- b. When the push stun arc touches the subject's clothing or skin.
- 4. Use of impact weapons, including specialty impact munitions or any other object, to strike a subject and contact is made, regardless of injury.
- 5. A police canine bites the clothing or the skin of a subject, or otherwise injures a subject.
- 6. Any use of force which results in injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance.

Note: For the purposes of this order, an evaluation by a medical professional to assess a complaint of injury is not emergency medical treatment.

C. Level 3

- 1. A Weaponless Defense Technique, other than a control hold, is used (e.g., hand/palm/elbow strikes, kicks, leg sweeps, takedowns), excluding strikes to the head;
- 2. Oleoresin Capsicum (OC/Pepper Spray) or other chemical agent is applied to a person;
- 3. A Taser® is fired at a person, but misses;
- 4. The baton is used for a non-striking purpose (e.g., prying limbs, moving or controlling a person);
- 5. Any impact weapon, including specialty impact munitions, or any other instrument is used in an attempt to strike another person but no contact is made; or
- 6. An on-duty firearm discharge at an animal other than to dispatch an injured animal.

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D. Level 4

1. A firearm is intentionally pointed at a person;
2. A Weaponless Defense Technique is applied to a Vulnerable Area, excluding strikes (e.g., hair grab, pressure to mastoid or jaw line, shoulder muscle grab);
3. An on-duty firearm discharge to dispatch an injured animal; or
4. A Weaponless Defense Technique Control Hold is applied (e.g., Bent Wrist, Twist Lock, and Arm-Bar Hammerlock), except as specified below:
 - a. A twist lock for the purpose of handcuffing which does not result in injury; or
 - b. Handcuffed/Non-Handcuffed Escorts which do not result in injury or complaint of injury, to include:
 - 1) Escort (elbow);
 - 2) Twist lock;
 - 3) Arm-bar; or
 - 4) Bent-wrist.

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Incidents which require concurrent investigations conducted by the Homicide Section and the Internal Affairs Division.

A. Involved personnel and personnel witnessing the use of force responsibilities:

1. Notify and brief their supervisor immediately, or as soon as practical. If the immediate supervisor is unavailable, another field supervisor or commander shall be notified.
2. Every member or employee who uses or is a witness to a Level 1 use of force shall not discuss the incident with others and limit any discussion of the incident to information required:
 - a. For a Public Safety Statement;
 - b. To assist in the investigations; or
 - c. To lead to the apprehension of the suspect.

B. Uninvolved personnel who did not witness the use of force shall perform the following:

1. Conduct a reasonable canvas in an effort to identify and obtain statements from witnesses in the proximity of the use of force incident.
2. Witnesses to a use of force shall be identified to the extent that it is reasonable and listed in a Supplemental Report (536-937) or Victim/Witness Report (536-935). Statements shall be taken, when practical, and included in the Use of Force or In-Custody Death Report packet.

a. Members or Employees

Any member/employee at the scene of a use of force incident, whether they witnessed the use of force or not, shall be identified as follows and listed before private person witnesses:

- 1) Name;
- 2) Rank/title; and
- 3) Serial number.

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b. Outside Agency Personnel

Outside agency personnel at the scene of a use of force incident, whether they witnessed the use of force or not, shall be identified as follows:

- 1) Name;
- 2) Rank/Title;
- 3) Serial number; and
- 4) Agency affiliation.

c. Private Person Witnesses

Private persons at the scene of a use of force incident, whether they witnessed the use of force or not, shall be identified, when possible, as follows:

- 1) Name;
- 2) Sex, Race, DOB;
- 3) Contact number(s); and
- 4) Home address.

3. Document, in the appropriate report, why witness information was not obtained in situations where it was unsafe or impractical to obtain, (e.g., hostile crowd, public safety concerns, insufficient police resources), or when the witness refused to remain at the scene.
4. Members shall not detain or delay a witness who refuses to remain at the scene; however the witness' physical description, license plate, comments, or other identifiers shall be documented in the appropriate report.
5. Members shall summon a supervisor to the scene in the event a witness refuses to give a statement or provide identification information.
6. Document when there are no known witnesses, as, "No known witnesses."
7. Offense/Supplemental Reports shall be prepared independently without discussing the details of the incident with other personnel on scene. Group reporting is prohibited.

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8. Personnel on scene at the time of the use of force incident, but not involved in or a witness to the use of force, shall be separately interviewed by the investigating supervisor prior to clearing from the incident. Any relevant information revealed in the interview shall be included in the member or employee's Supplemental Report. Group interviewing is prohibited.

C. Supervisor Responsibilities

1. Respond to the location of the incident unless community unrest or other conditions make such response impracticable. In such instances, an alternate safe location shall be arranged.
2. Secure and manage the scene, until relieved by the Incident Commander.
3. Ensure the Watch Commander has been notified and briefed of the incident.
4. Attempt to obtain and document a Public Safety Statement in accordance with the provisions of TB V-O, LETHAL FORCE INVESTIGATION.
5. Coordinate the apprehension of the suspect, if still outstanding.
6. Coordinate the preliminary investigation with the IAD and Homicide investigators, to include but not limited to:
 - a. Identifying involved and witness personnel;
 - b. Designating a reporting officer;
 - c. Ensuring the preservation of evidence; and
 - d. Identifying other witnesses in accordance with the provisions of Part III, B.
7. Assist the investigators to ensure statements are taken.
8. Respond to the location of a witness who has declined to give a statement or has refused to give witness identification information when requested by a member or employee. The outcome shall be documented in the member's Supplemental Report after the supervisor has talked to the witness.

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9. Separate and prohibit communication between involved personnel and witnesses.
10. Ensure involved personnel limit any discussion of the incident to information necessary:
 - a. For a Public Safety Statement;
 - b. Required to assist in the investigations; or
 - c. Leading to the apprehension of the suspect.

11. Ensure personnel complete a Supplemental Report who were on scene at the time of the incident (not including involved or witness personnel) or were assigned to assist at the scene.

Offense/Supplemental Reports shall be prepared independently without discussing the details of the incident with other personnel on scene. Group reporting and interviewing is prohibited.

12. Document the reason in the Use of Force Report when personnel are directed not to complete a required report.
 13. Contact and provide the IAD investigator with the complaint information if notified of an allegation of unreasonable force.
- D. The Watch Commander or Designee Responsibilities

1. Respond to the scene and take command of the incident.
2. Monitor the incident to ensure good scene management and ensure the assigned supervisor coordinates and assists with a thorough and proper preliminary investigation.
3. Ensure the following notifications are made as soon as possible unless conditions at the scene make such notification impractical:
 - a. The Homicide Section Commander and Homicide Call-Out Team;

The Homicide Section Commander shall conduct a follow-up investigation and ensure a Homicide investigator prepares and forwards a Follow-up Investigation Report (336-201) to the IAD for review in accordance with the provisions of Homicide Section Policy and Procedure 01, LEVEL 1/IN-CUSTODY

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DEATH INVESTIGATIONS within 45 calendar days, unless extended by the BOI Deputy Chief.

- b. Internal Affairs Division Investigative Section Commander and IAD Call-Out Team;
 - The IAD shall conduct a concurrent but independent use of force investigation and prepare a Use of Force/In-Custody Death Report in accordance with the provisions of RWM Insert U-1 and IAD Policy and Procedure 05-04 within 60 calendar days, unless extended by the COP.
- c. Chief of Police (COP);
- d. Alameda County District Attorney's Office Standby Team for force incidents resulting in death or injury likely to result in death;
- e. Office of the City Attorney (OCA);
- f. Office of Inspector General (OIG);
- g. City Administrator;
- h. Bureau of Field Operations (BFO) and Bureau of Investigations (BOI) Deputy Chiefs;
- i. Police Service Area (PSA) Commander of the geographic location; and
- j. Division commander of the involved member or employee.

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A use of force investigation conducted by a supervisor or commander.

Responsibilities

- A. Involved personnel or personnel witnessing the use of force shall:**
 - 1. Notify and brief their supervisor immediately or as soon as practical. If the immediate supervisor is unavailable, another field supervisor or commander shall be notified.
 - 2. Complete and submit for review the appropriate Offense/Supplemental Report prior to the end of tour of duty, unless extended by the Watch Commander. The member or employee who uses force shall include the following minimum information regarding the use of force incident in their Offense or Supplemental Report:
 - a. The original reason for police presence on the scene;
 - b. The circumstances that resulted in the use of force;
 - c. The precipitating act(s) leading to the use of force; and
 - d. A detailed description of the force used.
 - 3. Ensure the subject is transported to a medical facility for medical evaluation if a carotid restraint is applied. Document a refusal for medical treatment.
- B. Uninvolved personnel who did not witness the use of force shall perform the following:**
 - 1. Conduct a reasonable canvas in an effort to identify and obtain statements from other witnesses in the proximity of the use of force incident, commensurate with the availability of resources and the conditions of the event.
 - 2. Witnesses to a use of force shall be identified to the extent that it is reasonable and listed in a Supplemental Report (536-937) or Victim/Witness Report (536-935). Statements shall be taken from member or employee witnesses, when necessary, and from outside agency personnel or private person witnesses, when practical. Statements shall be included in the Use of Force Report packet.

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a. Members or Employees

Any member/employee at the scene of a use of force incident, whether they witnessed the use of force or not, shall be identified as follows:

- 1) Name;
- 2) Rank/title; and
- 3) Serial number.

Member/employee witnesses shall be listed before private person witnesses.

b. Outside Agency Personnel

Outside agency personnel at the scene of a use of force incident, whether they witnessed the use of force or not, shall be identified as follows:

- 1) Name;
- 2) Rank/Title;
- 3) Serial number; and
- 4) Department affiliation.

c. Private Person Witnesses

Private persons at the scene of a use of force incident whether they witnessed the use of force or not, shall be identified, when possible, as follows:

- 1) Name;
- 2) Sex, Race, DOB;
- 3) Contact number(s); and
- 4) Home address.

3. Document in the appropriate report why witness information was not obtained in situations where it was unsafe or impractical to obtain, (e.g., hostile crowd, insufficient police resources), or the witness refused to remain at the scene.

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4. Members shall not detain or delay a witness who refuses to remain at the scene; however the witness' physical description, license plate, comments, or other identifiers shall be documented in the appropriate report.
5. Members shall summon a supervisor to the scene in the event a witness refuses to give a statement or provide identification information.
6. Document when there are no known witnesses, as, "No known witnesses."
7. Complete a Supplemental Report without discussing the details of the incident with other personnel on scene. Group reporting is prohibited.
8. Personnel on scene at the time of the use of force incident, but not involved in or a witness to the use of force, shall be separately interviewed by the investigating supervisor prior to clearing from the incident. Any relevant information revealed in the interview shall be included in the member or employee's Supplemental Report.

C. Supervisor Responsibilities

1. Respond to the location of the incident unless community unrest or other conditions make such response impracticable. In such instances, an alternate safe location shall be arranged; and
2. Secure and manage the scene.
3. Coordinate the apprehension of the suspect, if still outstanding.
4. Ensure the subject is transported to a medical facility for medical evaluation when a carotid restraint is applied.
5. Contact Communications Division and obtain a CAD Number and advise the Communications Supervisor, or in his/her absence, the on-duty Police Communications Supervisor, to enter the use of force into the Daily IAD Incident Log.
6. When the situation has been stabilized and it can be accomplished safely:
 - a. Advise the Watch Commander of the incident;

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- b. Ensure involved personnel and witnesses are identified in accordance with the provisions of Part IV, B, of this order; and
 - c. Ensure involved personnel and witnesses have been separated and advised that communication is prohibited.
7. Conduct an investigation in a timely manner to include, but not limited to, the following:
 - a. A separate, personal interview with involved personnel including, if necessary, a written or recorded statement.
 - b. A separate, personal interview with all personnel that witnessed the use of force incident, including, if necessary, a written or recorded statement.
 - c. A personal interview with the subject(s) upon whom the use of force was used to include a written or recorded statement, when possible.
 - d. Contact medical personnel, when practical, who evaluated and/or provided treatment to the subject for available information on the subject's injuries and condition.
 - e. Ensure photographs are taken of:
 - 1) The physical condition of the subject and involved personnel, to record the presence or lack of injuries;
 - 2) The location of the use of force incident; and
 - 3) Other relevant evidence.
- Document the reason why photographs were not taken.
8. Respond to the location of a witness who has declined to give a statement or has refused to give witness identification information when requested by a member or employee. The outcome shall be documented in the member's Supplemental Report after the supervisor has talked to the witness.

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9. Ensure personnel complete a Supplemental Report who were on scene at the time of the incident (not including involved or witness personnel) or were assigned to assist at the scene.
10. Offense/Supplemental Reports shall be prepared independently without discussing the details of the incident with other personnel on scene. Group reporting is prohibited.
11. When a supervisor, commander or investigator directs personnel not to complete a required report, the reason shall be documented in the Use of Force Report.
12. Conduct a thorough review of all documents to be included in the Use of Force Report packet to ensure completeness, accuracy, and quality.

Reports should not contain "boilerplate" or "pat language" (e.g., "furtive movement" or "fighting stance," etc.).
13. Ensure the appropriate Offense or Supplemental Report contains the following minimum information regarding the use of force incident:
 - a. The original reason for police presence on the scene;
 - b. The circumstances that resulted in the use of force;
 - c. The precipitating act(s) leading to the use of force; and
 - d. A detailed description of the force used.
14. Incomplete or inadequate reports shall be returned for additional details or clarification.
15. Prepare a Use of Force Report (TF-967) in accordance with the provisions of RWM Insert U-1, USE OF FORCE REPORT, to contain the following topics, unless otherwise directed by a commander or investigator.

The narrative of the incident shall include, but is not limited to:

- a. A summary of the actions of all involved parties contemporaneous with the use of force incident when not included in the Offense or Supplemental Report;
- b. List the name(s) of commanders notified;

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- c. Any pertinent observations;
- d. A summary of interviews and/or statements taken from involved and witness personnel;
- e. A summary and analysis of evidence collected, to include, when available:
 - 1) Written or recorded statements;
 - 2) Printed CAD purge;
 - 3) Taser AFIDS; and
 - 4) Photographs.

Document the reason why evidence was not collected.

- f. A description of the extent of injuries to the subject or any OPD personnel and any medical care or treatment provided;
- g. Identify, consider, and resolve discrepancies in interviews and/or statements, if any, between members and employees, witnesses, subjects, and reports filed. If unable to resolve, document the discrepancy as an unresolved issue;
- h. An analysis/assessment whether:
 - 1) The original detention or subsequent arrest was lawful;
 - 2) The type and amount of force used was proportional to the resistance encountered and objectively reasonable;
 - 3) The type and amount of force used was related to a legitimate law-enforcement objective the member/employee was attempting to achieve;
 - 4) It was objectively reasonable to use a lesser level of force or verbal persuasion to achieve the objective without force;

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- 5) The force was reasonably de-escalated in response to submission; and
- 6) Any *Manual of Rules (MOR)* violations discovered.
- i. Based on the analysis of the facts revealed by the investigation, make a recommendation as to whether the use of force was in compliance with Departmental policy, training, and tactics; and
- j. An explanation and justification for omitting any of the above elements (a-i).
- 16. Complete and sign the Use of Force Signature Page (TF-967b) in accordance with the provisions of RWM Insert U-1.
- 17. Ensure the Use of Force Report packet contains:
 - a. The original Use of Force Report to include a Chronological Activity Log and Use of Force Checklist;
 - b. A copy of the appropriate Offense Report; and
 - c. Copies of ancillary documents, if available (e.g., statements, Details, CAD purge, available medical information obtained, and photographs).
- 18. Email only the Use of Force Report face sheet (page 1) to the following, prior to the end of tour of duty:
 - a. iadadmin@oaklandnet.com;
 - b. bfoadmin@oaklandnet.com;
 - c. ocop@oaklandnet.com; and
 - d. Involved member or employee's bureau commander.
- 19. Ensure the original Offense Report and ancillary documents are deposited in the Report Writing Receptacle in an In-Custody or Case Envelope.
- 20. Retain a copy of the Use of Force Report packet for their supervisory file until documented in the member/employee's annual performance appraisal.

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21. Forward the approved Use of Force Report packet through the chain-of-review, within four (4) calendar days of the incident. The due date may be extended with the approval of a Watch Commander and shall be documented in the Use of Force Report.

If a Watch Lieutenant is not on-duty, forward the Use of Force Report packet directly to the Watch Commander.

22. Ensure injured or killed animals are properly disposed of in accordance with the provisions of DGO A-5, ANIMAL CONTROL PROCEDURES.

D. Watch Commander Incident Scene Responsibilities

1. Respond to the scene and take Incident Command when advised the incident involves significant Department resources or is likely to generate unusual public interest.
2. Monitor and ensure the use of force investigation is conducted in a thorough, methodical, and efficient manner.

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A review of a Level 3 force incident conducted by a supervisor or commander to assess the appropriate reporting level.

A. Personnel Responsibilities

1. Notify and brief their supervisor immediately or as soon as practical. If the immediate supervisor is unavailable, another field supervisor or commander shall be notified.
2. Every member or employee who uses or witnesses a level of force requiring a Level 3 investigation shall independently complete the appropriate Offense or Supplemental Report;

The member or employee who uses force shall include the following minimum information regarding the use of force incident in their Offense or Supplemental Report:

- a. The original reason for police presence on the scene;
 - b. The circumstances that resulted in the use of force;
 - c. The precipitating act(s) leading to the use of force; and
 - d. A detailed description of the force used.
3. Personnel who are assigned to assist at the scene shall complete a Supplemental Report if directed by a supervisor, commander or investigator.

B. Supervisor Responsibilities

Respond to the location of the incident unless community unrest or other conditions make such response impracticable. In such instances, an alternate safe location shall be arranged; and,

1. Secure the scene, if necessary;
2. Coordinate the apprehension of the suspect, if still outstanding;
3. Discuss the general circumstances of the incident with the involved personnel and witnesses to assess the appropriate reporting level, the need for resources, and to assess whether injuries, if present, are consistent with the force applied;

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4. Conduct a personal interview with the subject(s) upon whom the use of force was used to include a written or recorded statement, when possible.
5. Assess any complaint of injury and consider it as a factor toward elevating the Level 3 force to a Level 2 force investigation.
6. Ensure photographs are taken of the subject and involved member/employee to record the presence or absence of injuries, the location of the incident, and other relevant evidence. Document the reason why photographs were not taken.
7. Interview available witnesses at the scene.

NOTE: Written statements are not required for a Level 3 force incident.

8. Contact Communications Division and obtain a CAD Number and advise the Communications Supervisor, or in his/her absence, the on-duty Police Communications Supervisor, to enter the use of force into the Daily IAD Incident Log.
9. Ensure personnel complete a Supplemental Report who were witnesses to a Level 3 force incident or were assigned to assist at the scene.
10. When a supervisor, commander or investigator directs personnel not to complete a required report, the reason shall be documented in the Use of Force Report.
11. Conduct a thorough review of all documents to be included in the Use of Force Report packet to ensure completeness, accuracy, and quality.
Reports should not contain "boilerplate" or "pat language" (e.g., "furtive movement" or "fighting stance," etc.).
12. Ensure the appropriate Offense or Supplemental Report contains the following minimum information regarding the use of force incident:
 - a. The original reason for police presence on the scene;
 - b. The circumstances that resulted in the use of force;
 - c. The precipitating act(s) leading to the use of force;
 - d. A detailed description of the force used; and

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- e. Document the number of bursts, duration of each burst, the approximate distance from the subject, and the location of spray contact, when OC is used.
13. Incomplete or inadequate reports shall be returned for additional details or clarification.
14. Prepare a Use of Force Report (TF-967) in accordance with the provisions of RWM Insert U-1, USE OF FORCE REPORT, unless otherwise directed by a commander or investigator.

The narrative shall include, but is not limited to:

- a. Actions of all involved parties contemporaneous with the use of force incident;
- b. A summary of the interviews by involved personnel and witnesses;
- c. A summary of evidence collected surrounding the use of force incident;
- d. Whether the original detention or subsequent arrest was lawful;
- e. Identify, consider, and resolve discrepancies, if any, between member(s) and employee(s) interviews, witness interviews, subject interviews, and reports filed. If unable to resolve, document the discrepancy as an unresolved issue;
- f. Whether it was objectively reasonable to use a lesser level of force or verbal persuasion to achieve the objective without force;
- g. Whether the force was reasonably de-escalated in response to submission;
- h. An assessment of whether the type and amount of force used was proportional to the resistance encountered and reasonably related to the objective the members/employees was attempting to achieve;

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- i. An evaluation and recommendation as to whether the use of force was in compliance with Departmental policy, training, and tactics based on the facts revealed by the review; and
 - j. An explanation and justification for omitting any of the above elements (a-i).
15. Complete and sign the Use of Force Signature Page (TF-967b) in accordance with the provisions of RWM Insert U-1.
16. Ensure the Use of Force Report packet contains:
- a. The original Use of Force Report to include a Chronological Activity Log and Use of Force Checklist;;
 - b. A copy of the appropriate report (e.g., Offense Report or field contact card); and
 - c. Copies of ancillary documents, if necessary (e.g., statements (if any), Supplemental Reports, Detail).
17. Email only the face sheet of the Use of Force Report to the following, prior to the end of tour of duty:
- a. iadadmin@oaklandnet.com; and
 - b. bfoadmin@oaklandnet.com.
18. Ensure the original Offense Report and ancillary documents are deposited in the Report Writing Receptacle in an In-Custody or Case Envelope.
19. If notified of an allegation of unreasonable force, the supervisor shall conduct a Level 2 force investigation and initiate an internal investigation.
20. Retain a copy of the Use of Force Report packet for their file until documented in the member/employee's annual performance appraisal.
21. Forward the original Use of Force Report packet through the chain-of-review within four (4) calendar days of the incident in accordance with the provisions of Part VIII of this order.;
- If a Watch Lieutenant is not on-duty, forward the Use of Force Report packet directly to the Watch Commander on-duty at the time of the incident.

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VI. LEVEL 4 FORCE INCIDENTS

A self-reported use of force.

A. Involved Personnel Responsibilities

1. Notify and brief their supervisor immediately or as soon as practical. If the immediate supervisor is unavailable, another field supervisor or commander shall be notified.
2. Contact Communications Division and obtain a CAD Number.
3. Complete a Use of Force Report (TF-967) in accordance with the provisions of RWM Insert U-1, USE OF FORCE REPORT.

A narrative shall be included in the Use of Force Report if no other required Offense or Supplemental Report is completed.

4. The member or employee who uses force shall include the following minimum information regarding the use of force incident in their Offense, Supplemental, or Use of Force Report:
 - a. The original reason for police presence on the scene;
 - b. The circumstances that resulted in the use of force;
 - c. The precipitating act(s) leading to the use of force; and
 - d. A detailed description of the force used.
5. Place the original Use of Force Report and, if applicable, the appropriate Offense Report and ancillary documents in an In-Custody/Case Envelope and deliver to his/her immediate supervisor or, if unavailable, to an on-duty supervisor for review prior to the end of tour of duty.

B. Supervisor Responsibilities

1. When contacted by involved personnel, supervisors shall review the general circumstances of the incident with the involved personnel and ensure the facts are consistent with the reporting level. Supervisors are not required to respond to the incident.
2. If notified of an allegation of unreasonable force, the supervisor shall respond to the scene and conduct a preliminary investigation to determine if a Level 2 investigation or a Risk Management Memorandum is required.

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3. Level 4 incidents do not require witness identification.
4. Conduct a thorough review of all documents to be included in the Use of Force Report packet to ensure completeness, accuracy, and quality.
Reports should not contain "boilerplate" or "pat language" (e.g., "furtive movement" or "fighting stance," etc.).
5. Ensure the appropriate Offense, Supplemental, or Use of Force Report contains the following minimum information regarding the use of force incident:
 - a. The original reason for police presence on the scene;
 - b. The circumstances that resulted in the use of force;
 - c. The precipitating act(s) leading to the use of force; and
 - d. A detailed description of the force used.
6. Incomplete or inadequate reports shall be returned for additional details or clarification.
7. Ensure the Use of Force Report packet contains:
 - a. The original Use of Force Report (No Chronological Activity Log or Use of Force Checklist is required);
 - b. A copy of the appropriate report (e.g., Offense Report or field contact card); and
 - c. Copies of ancillary documents, if necessary (e.g., statements (if any), Supplemental Reports, Detail).
8. Ensure the Use of Force Report has a CAD number. Advise the Communications Supervisor, or in his/her absence, the on-duty Police Communications Supervisor, to enter the use of force into the Daily IAD Incident Log.
9. Ensure the original Offense Report and ancillary documents are deposited in the Report Writing Receptacle in an In-Custody or Case Envelope.
10. Retain a copy of the Use of Force Report packet for their file until documented in the member/employee's annual performance appraisal.
11. Upon review and approval, forward the original Use of Force Report packet directly to the IAD, prior to the end of tour of duty.

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VII. LEVEL 1 FORCE INCIDENTS INVOLVING AN OUTSIDE AGENCY

A. A Level 1 force incident occurring outside the City of Oakland

1. Upon notification, the Watch Commander shall:
 - a. Send an on-duty supervisor to the jurisdiction in which the incident occurred unless the distance makes it impractical. The supervisor shall remain with the member(s) during the investigation by the outside agency;
 - b. Notify the BOI Deputy Chief who shall determine if Homicide investigators are to be called-out; and
 - c. Notify the IAD Commander who shall determine if IAD investigator's are to be called-out.
2. The law enforcement agency which has jurisdiction, in which the incident occurred, shall have incident command and primary criminal investigation responsibility. The Homicide Section shall only assume primary criminal investigation responsibility upon the request of the outside agency.
3. Homicide Section investigators shall request to attend the interview of OPD personnel, unless the distance involved makes this impractical.
4. IAD investigators shall request to monitor the interview of OPD personnel, unless the distance involved makes this impractical.

B. A Level 1 force incident involving outside agency personnel within the City of Oakland

1. The Homicide Section shall conduct the criminal investigation.
2. The outside agency may assist at the discretion of the BOI Deputy Chief.

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VIII. COMMAND REVIEW AND ENDORSEMENT

- A. All reviewers shall review the Use of Force Report packet and evaluate the Use of Force Report and ancillary documents:
 1. For completeness, accuracy, and quality, and return any reports that are incomplete or inadequate;
 2. Order further investigation or additional investigative resources when necessary;
 3. Evaluate and document whether the use of force was in compliance with Departmental policy and comment on any training and tactical issues, when appropriate; and
 4. Complete, endorse, and sign a Use of Force Report Signature Page (TF-967b) and forward the Use of Force Report packet to the Bureau of Field Operations (BFO) Administrative Commander within three (3) calendar days after receipt (at each level of review), unless extended by the BFO Administrative Commander. Document extensions in the Use of Force Report.

B. Level 1 Force Review Responsibilities

1. The Homicide Section Commander shall:
 - a. Ensure a follow-up investigation is conducted and the assigned Homicide investigator prepares a Follow-up Investigation Report (336-201).
 - b. Review and forward the approved Follow-up Investigation Report to the IAD within 45 calendar days of the incident, unless extended by the BOI Deputy Chief in accordance with the provisions of Homicide Section Policy and Procedure 01.
2. The IAD Commander shall:
 - a. Ensure IAD investigators conduct a use of force investigation and prepare a Use of Force or In-Custody Death Report within 60 calendar days of the incident, unless extended by the Chief of Police.

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- b. Review and forward the approved Use of Force or In-Custody Death Report packet to the BOS Deputy Chief and Chief of Staff, within 15 calendar days from receipt, unless extended by the COP in accordance with the provisions of IAD Policy and Procedure 05-04.
- c. Provide an oral report to the COP within 24 hours of the incident.

3. Chief of Staff (COS)

- a. Enter data from the Use of Force/In-Custody Death Report face sheet into a log upon receipt;
- b. Track the Use of Force/In-Custody Death Report packet. Contact the IAD Commander and ascertain the delay if not received within 76 calendar days of the incident and notify the COP of the delay.
- c. Prepare and forward an Administrative Memorandum directing the BOS Deputy Chief to schedule and convene the Executive Force Review Board within the prescribed timeline in accordance with the provisions of DGO K-4.1, FORCE REVIEW BOARDS.

C. Level 2 & 3 Force Review Responsibilities

1. Patrol Division Commanders

- a. Patrol Division Commanders shall review all Use of Force Reports regardless of the unit of assignment of the subject member/employee.
- b. Review and endorse the Use of Force Report packet in accordance with the provisions of Part VIII, A of this order.

2. BFO Administrative Commander

- a. Notify the appropriate Watch Commander if the Use of Force Report packet has not been received within eight (8) calendar days of the incident.

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- b. Review and endorse the Use of Force Report packet in accordance with the provisions of Part VIII, A of this order.
- c. For Level 2 force incidents - Forward the endorsed Use of Force Report packet to one of the following:
 - 1) When subject personnel are assigned to the BFO, the BFO Administrative Commander shall complete and sign a Use of Force Report Signature Page and forward the entire Use of Force Report packet to the BFO Deputy Chief within three (3) calendar days of receipt.

OR

- 2) When subject personnel are not assigned to the BFO, the Administrative Commander shall complete and sign a Use of Force Report Signature Page and forward the entire Use of Force Report packet to the division commander of the subject personnel for review within three (3) calendar days of receipt.

Upon approval, the Use of Force/In-Custody Death Report packet shall be forwarded to the Bureau Deputy Chief of the subject personnel for review. In the event the subject personnel are assigned to the Bureau of Administration, the Use of Force/In-Custody Death Report packet shall be forwarded to the BOS Deputy Chief. Commanders reporting directly to the COP shall forward the Use of Force/In-Custody Death Report packet directly to the IAD within three (3) calendar days of receipt.

- d. For Level 3 force incidents - Forward the entire Use of Force Report packet directly to the IAD.
- 3. Deputy Chief/Division Commander (Level 2 Only)
 - a. Review and endorse the Use of Force Report packet in accordance with the provisions of Part VIII, A of this order.
 - b. Forward the endorsed Use of Force Report Packet to the IAD within three (3) calendar days of receipt.

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4. Chief of Staff

- a. Track Level 1 & 2 Use of Force/In-Custody Death Report packets.

If Level 1 is not received within 76 days of the incident or a Level 2 within 15 calendar days of the incident, contact the appropriate commander and ascertain the delay.

- b. Upon receipt of the Use of Force Report packet, prepare and forward an Administrative Memorandum directing the Training Division Commander to schedule a Force Review Board within the prescribed timeline in accordance with the provisions of DGO K-4.1, FORCE REVIEW BOARDS.

5. IAD

- a. Upon receipt of a completed Level 2 or 3 Use of Force Report packet, IAD shall:

- 1) Review the Use of Force Report packets in accordance with the provisions of Part VIII, A of this order.
 - 2) Assign a Use of Force Tracking Number to all Use of Force Reports, enter the Use of Force/In-Custody Death Report information into the appropriate database, and scan the file into electronic format; AND
 - a) Send the entire electronic file of the Level 2 Use of Force/In-Custody Death Report packet, via email, to the Training Division Commander and the Chief of Staff within 3 calendar days of receipt. OR
 - b) Retain the hardcopy and electronic files of Level 3 or 4 Use of Force/In-Custody Death Report packets in the appropriate file.

- b. Upon receipt of a completed Level 4 Use of Force Report packet, IAD shall review the Use of Force Report to ensure compliance with Part VI.

DEPARTMENTAL GENERAL ORDER
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17 Feb 06**IX. RISK MANAGEMENT**

- A. Members and employees shall notify their supervisor when the following incidents occur:
1. A subject who has incurred an injury requiring more than basic first-aid and
 - a. The injury did not occur as a result of a member's use of force and there is no allegation of force by the subject; or
 - b. A discharge at an object (e.g., street light, alarm box, door lock or vehicle tire) by a member to accomplish a tactical police purpose that does not result in injury.
 2. When a person alleges a use of force and the subject member/employee denies the use of force.
- B. The supervisor shall:
1. Respond to the scene;
 2. Ensure the involved member documents the circumstances of the incident in the appropriate report;
 3. Conduct a preliminary investigation;
 - a. If the preliminary investigation reveals corroborating evidence that the use of force occurred, the supervisor or commander shall conduct a Level 2 force investigation and initiate an internal investigation in accordance with the provisions of DGO M-3; or
 - b. If the preliminary investigation reveals no corroborating evidence that the use of force occurred, the supervisor or commander shall prepare a Risk Management Memorandum.
 4. Prepare a Risk Management Memorandum packet to include:
 - a. Risk Management Memorandum summarizing the incident;
 - b. Written or recorded statement(s) from the complainant or injured person and witnesses;
 - c. Photographs;

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- d. Documentation of evidence collected or reason why evidence was not collected;
 - e. Offense or Supplemental Report from involved personnel; and
 - f. Copies of ancillary documents (if available).
5. Forward the packet for review through the appropriate chain-of-review to the IAD with a copy to the Office of the City Attorney.

By order of

Wayne G. Tucker
Wayne G. Tucker
Chief of Police

Date Signed: 16 Feb. 06

13.2

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 17 Feb 06

SUBJECT: USE OF FORCE POLICY HANDBOOK

Includes the revision of:

- Departmental General Order (DGO) K-3, USE OF FORCE (Rev. 8 Feb 00);
 - DGO K-4, REPORTING AND INVESTIGATING THE USE OF FORCE (Rev. 25 Jan 00); and
 - New DGO K-4.1, FORCE REVIEW BOARDS.

DGO K-3 & K-4 have been revised to update Departmental policy and procedures and to comply with specific requirements mandated by the Negotiated Settlement Agreement.

The provisions in the following Departmental publications are included in the revised DGO K-3 and/or K-4 and are hereby canceled:

- Command and Supervisory Bulletin (22 Mar 99)
 - Special Order 4842 (4 Mar 98)
 - Special Order 4834 (2 Feb 98)
 - Special Order 4874 (7 Oct 98)
 - Special Order 4893 (8 Mar 99)
 - Special Order 4985 (9 Sep 00)

New DGO K-4.1 has been created to separate the investigative process with the review board process regarding use of force incidents.

The provisions of Special Order 5095 (13 Jul 01) are incorporated in this new order and is hereby canceled.

Continued

A new page numbering format is being utilized with this Handbook to facilitate future revisions to the material contained herein.

The evaluation coordinators, as designated below, shall, without further notice, forward the required report to the Chief of Police on or by 17 Aug 06.

- Bureau of Field Operations Commander for DGO K-3 & K-4; and
- Bureau of Services Commander for DGO K-4.1.

Personnel shall place the revised order in their General Order Manual and make the necessary changes to the Table of Contents and Index.

By order of

Wayne G. Tucker
Wayne G. Tucker
Chief of Police